

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPERINONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

MDL No. 2100

**MOTION OF PLURALITY OF PLAINTIFFS TO DEFER RULING
ON MOTION OF SCHLICHTER, BOGARD & DENTON FOR APPOINTMENT OF
INTERIM LIAISON COUNSEL FOR THE PLAINTIFFS
PENDING THE INITIAL STATUS/ORGANIZATIONAL CONFERENCE**

COME NOW, seventy-eight (78) Plaintiffs¹ represented by Carey & Danis, L.L.C., Seeger Weiss, LLP and Napoli Bern Ripka, LLP and their affiliated counsel ("Moving Plaintiffs"), and for their Motion of Plurality of Plaintiffs to Defer Ruling on Motion of Schlichter Bogard & Denton, LLP for Appointment of Interim Liaison Counsel Pending the Initial Status/Organizational Conference, state as follows:

1. On October 1, 2009, the United States Judicial Panel on Multidistrict Litigation ("JPML") entered an Order consolidating and transferring all Yasmin and Yaz product liability

¹ The Moving Plaintiffs are: Spruill, Christina – 3:09-cv-00738; Willman, Kathy – 3:09-cv-00739; Strother, Krystal – 3:09-cv-00740; Kirkpatrick, Pamela – 3:09-cv-00741; Nelson, Ketsia – 3:09-cv-00742; Patten, Kylie – 3:09-cv-00743; Hudson, Becky – 3:09-cv-00744; Naughton, Patricia – 3:09-cv-00745; Strange, Lauren – 3:09-cv-00746; Bean, Lauren – 3:09-cv-00747; Whetstone, Eurishia – 3:09-cv-00748; Hardin, Brenda – 3:09-cv-00749; Conners, Tammi – 3:09-cv-00750; Gerling, Carrie – 3:09-cv-0751; Clark, Zandrea – 3:09-cv-00752; Bradley, Shawn – 3:09-cv-00753; Bowling, Toni – 3:09-cv-00755; Bouvier, Deanna – 3:09-cv-00756; Mikhail, Jacqueline – 3:09-cv-00757; Zupko, Jessica – 3:09-cv-00758; Harrell, Michelle – 3:09-cv-00759; Ham, Andrea – 3:09-cv-00762; Driver, Vicky – 3:09-cv-00763; Nix, Heidi – 3:09-cv-00764; Worrell, Stacy – 3:09-cv-00765; Canterbury, Yesmin – 3:09-cv-00811; Becerril, Fabiola – 3:09-cv-00812; Strazishar, Amanda – 3:09-cv-00813; Sands, Christy – 3:09-cv-00814; Rice, Brandy – 3:09-cv-00815; Maines, Lisa – 3:09-cv-00816; Holvick, Elizabeth – 3:09-cv-00817; Handy, Rebecca – 3:09-cv-00818; Ferrell, Denise – 3:09-cv-00819; Sommerfeld, Stacey – 3:09-cv-00820; Chrusch, Lisa – 3:09-cv-00833; Piatt, Allison – 3:09-cv-00834; Nicasio, Lupita – 3:09-cv-00835; Morales, Melissa – 3:09-cv-00836; Jordan, Jeri – 3:09-cv-00837; Jones, Maxi – 3:09-cv-00840; Haubrich, Stacie – 3:09-cv-00841; Garcia, Katrina – 3:09-cv-00842; Forrest, Samantha – 3:09-cv-00843; Corbitt, Wendy – 3:09-cv-00844. Additional Plaintiffs who have electronically submitted Yasmin/Yaz personal injury cases to the United States District Court for the Southern District of Illinois for filing but whose cases have not yet been assigned case numbers are: Taylor, April; Stephens, Elizabeth; Sams, Cathie; Sampson, Amy; Reidenbaker, Dorothy; Royse, Deborah; Ross, Karen; Mangieri, Sabrina; Holben, Stephanie; Underwood, Jessica; Bazemore, Niketa; Brannan, Lorri; Davis, Crishauna; Haskell, Maria; Hazimi, Angie; Jackson, Christina; King, Jenna; Magness, Tawnya; Rosenberg, Tracy; Stanley, Stephanie; Wood, Wendy; Towns, LaWanda; Ray, Emily; LaBelle, Darlene; Edwards, Ruby; Bowser, Erin; Cepeda, Josephine; Loe, Joanna; Wells, Lacey; Loic, Doris; Martin, Jessica; Race, Christina; Sisemore, Jennifer.

cases and one putative nationwide class action alleging false and misleading marketing of Yasmin and Yaz to the United States District Court for the Southern District of Illinois and assigning the cases to the Honorable David R. Herndon for coordinated or consolidated pretrial proceedings. See Exhibit A.

2. On October 6, 2009, the law firm of Schlicter, Bogard & Denton LLP (“the Schlicter Firm”) filed a Motion asking this Court to enter an order appointing that firm as “Interim Liaison Counsel for the Plaintiffs.”

3. The Schlicter Firm represented to this Court in paragraph (9) of its Motion that there is “general consensus among Plaintiffs’ counsel” for their Motion.

4. The seventy-eight (78) Moving Plaintiffs did not consent to the Schlicter Firm’s Motion, and in fact, the Schlicter Firm did not seek consent from the Moving Plaintiffs or their counsel prior to filing its Motion.

5. While not necessarily opposing the Schlicter Firm’s Motion at the present time, the Moving Plaintiffs respectfully suggest that, at the very least, the unusual and unanticipated Motion filed by the Schlicter Firm is premature.

6. As of this date, there are ninety-seven (97) Yasmin/Yaz cases that were filed originally in United States District Court for the Southern District of Illinois. Of these cases, the Schlicter Firm represents the Plaintiffs in only eleven (11) cases.²

7. Not only do the seventy-eight (78) Moving Plaintiffs comprise the vast majority of the cases filed originally in the Southern District of Illinois, they also comprise a substantial plurality, if not a majority, of the total number of related cases that were filed and are pending in

² Hill, Brenda – 3:09-cv-00567; Hicks, Tamra – 3:09-cv-00602; Spencer, Sherry and Mark – 3:09-cv-00604; Franklin, Linda – 3:09-cv-00625; Bluiett, Anaya – 3:09-cv-00626; Wood, Leslie – 3:09-cv-00627; Devine, Patricia – 3:09-cv-00628; Mathes, Marilyn on behalf of Mathes, Emily – 3:09-cv-00630; Tyler, Rebecca – 3:09-cv-00711; Sims, Kerry – 3:09-cv-00735; Kinney, Brandy – 3:09-cv-00823

other federal courts throughout the country. According to the JPML, there are at total of seventy-three (73) Yasmin/Yaz cases pending in the various federal courts other than the Southern District of Illinois and awaiting transfer to the Southern District of Illinois.

8. The Moving Plaintiffs suggest there is no exigency or necessity for this Court to appoint an Interim Liaison Counsel in advance of this Court's initial Status/Organizational Conference, at which time this Court can be fully informed and advised of the interests of all parties relating to this and other leadership and organizational issues.

WHEREFORE, the Moving Plaintiffs respectfully request that this Court defer its ruling on the Motion of Schlichter Bogard & Denton LLP for Appointment of Interim Liaison Counsel until this Court's initial Status/Organizational Conference.

Dated: October 12, 2009

Respectfully submitted,

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